

Applicants: Boris Ginzburg et al.
Serial Number: 10/608,127

Assignee: Intel Corporation
Attorney Docket: P-5755-US

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REMARKS

Applicants have carefully studied the Office Action. This paper is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Status of the Claims

Claims 9, 11-13, 17, 21, 23-25, 27, and 29 have been amended. Claims 1-8, 10, 14-16, and 22 have been cancelled. Consequently, claims 9, 11-13, 17-21, and 23-33 are pending in the Application. No new matter has been added.

Amendments to the Specification

New paragraph 26A has been added. Support for this new paragraph can be found for example in claims 14-16 as filed. The Abstract has been amended.

No new matter has been added.

Specification

In the Office Action the Examiner reminded Applicants of the proper content of an abstract. Applicants have amended the Abstract. Applicants respectfully submit that the abstract is now in proper form.

Claim Rejections Under 35 USC §102

In the Office Action, the Examiner rejected claims 1-9, 21, and 29-33 under 35 U.S.C. § 102(b), as being anticipated by Mahany, U.S. Patent Number 5,960,344. Applicants respectfully submit that the rejection of claims 1-9, 21, and 29-33 under 35 U.S.C. § 102(b), as being anticipated by Mahany should be withdrawn.

The cancellation of claims 1-8 renders the rejection of these claims moot.

Each of independent claims 9, 21, and 29 recite in paraphrase receiving from the remote unit on the first operating channel a communication responsive to the channel

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switch request. Mahany fails to disclose receiving from the remote unit on the first operating channel a communication responsive to the channel switch request, and this feature would not be an obvious conclusion from Mahany's disclosure. Therefore, Mahany does not anticipate any of claims 9, 21, and 29.

Each of claims 30-33 depends from claim 29, directly or indirectly, and therefore includes at least the limitations of the parent claim. Thus claims 30-33 are likewise allowable.

Applicants respectfully submit that rejection of claims 1-9, 21, and 29-33 under 35 U.S.C. § 102(b), as being anticipated by Mahany should be withdrawn.

The Examiner rejected claims 9-14, 18-29, and 32-33 under 35 U.S.C. § 102(e), as being anticipated by Hansen et al., U.S. Patent Number 7,158,759. Applicants respectfully submit that the rejection of claims 9-14, 18-29, and 32-33 under 35 U.S.C. § 102(e), as being anticipated by Hansen should be withdrawn.

Each of claims 9, 21 and 29 recites, in paraphrase, receiving from the remote unit on the first operating channel a communication responsive to the channel switch request, said communication being a positive or a negative reply. Hansen fails to disclose this limitation, nor would this limitation be an obvious conclusion of his disclosure.

Claims 9, 21 and 29 as amended now include limitations from cancelled claims 14-16. Applicants will address the rejections for these claims below. However, as the rejection of these claims relates to claims 9, 21 and 29, the Examiner rejected claim 14 under 35 U.S.C. § 102(e), as being anticipated by Hansen asserting "the access point providing a selection packet to the station as a method of access point transmitting and remote unit receiving the packet." As stated above, claims 9, 21, and 29 recite in paraphrase "the communication being a positive or negative reply." Hansen fails to disclose this limitation, nor would this limitation be an obvious conclusion of his disclosure.

The Examiner rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Hansen in view of McFarland, U.S. Patent Number 6,870,815, asserting that

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McFarland teaches that "after the station receives a channel change, it sends its acknowledgement." This acknowledgement is not equivalent to the "positive or negative reply" as recited in currently amended claims 9, 21, and 29. As discussed above, claims 9, 21 and 29 are allowable over Mahany, and McFarland and Hansen do not cure the deficiencies of Mahany. Therefore, none of Mahany, McFarland or Hansen, alone or in combination render claims 9, 21, and 29 obvious.

The Examiner rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Hansen in view of Jeoung, U.S. Patent Number 6,226,520 asserting that that Jeoung's "terminal sending a call request from a channel different from the requested base station channel can be viewed as □ a negative reply." However, sending from a channel different from the requested base channel is not equivalent to the receiving from the remote unit on the first operating channel recited in claims 9, 21, and 29. None of Hansen or Jeoung cures the deficiencies of Mahany. Therefore none of Mahany, Hansen or Jeoung alone or in combination renders claims 9, 21, and 29 obvious.

Each of claims 10-13, 18-20, 22-28, and 32-33 depends, directly or indirectly, from one of independent claims 9, 21, and 29 and includes at least the limitations of the parent claim. Thus claims 10-13, 18-20, 22-28, and 32-33 are likewise allowable.

Therefore, Applicants respectfully submit that rejection of claims 9-14, 18-29, and 32-33 under 35 U.S.C. § 102(e), as being anticipated by Hansen should be withdrawn.

Claim Rejections Under 35 USC §103(a)

The Office Action rejected claim 15 under 35 USC §103(a) as being unpatentable over Hansen in view of McFarland et al, U.S. Patent Number 6,870,815. The cancellation of claim 15 renders this rejection moot. The limitations from claim 15 that are incorporated in claim 9 are discussed above.

The Office Action rejected claims 16-17 under 35 USC §103(a) as being unpatentable over Hansen in view of Jeoung, U.S. Patent Number 6,226,520. The

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cancellation of claim 16 renders the rejection of claim 16 moot. The limitations from claim 16 that are incorporated in claim 9 are discussed above. Applicants respectfully submit that the rejection of claim 17 under 35 USC §103(a) as being unpatentable over Hansen in view of Jeoung should be withdrawn.

Claim 17 depends from currently amended claim 9. Claim 9 recites "receiving from the remote unit on the first operating channel a communication responsive to the channel switch request, said communication being a positive or a negative reply." Neither Hansen nor Jeoung disclose these limitations of claim 9. The Examiner states that Jeoung's "terminal sending a call request from a channel different from the requested base station channel can be viewed as both a negative reply and a request for a different channel." However, sending from a channel different from the requested base channel is not equivalent to the receiving from the remote unit on the first operating channel recited in claim 9. Therefore neither Hansen nor Jeoung alone or in combination renders claim 17 (which depends from claim 9) obvious. Applicants respectfully submit that the above-mentioned distinction of claim 17 would not have been obvious at the time the invention was made to a person having ordinary skill in the art, in view of any of the references on record, alone or in combination.

Therefore, Applicants respectfully submit that the rejection of claims 16-17 under 35 USC 103(a) as being unpatentable over Hansen and Jeoung should be withdrawn.

Conclusion

In view of the foregoing amendment and remarks, and for at least the reasons discussed above, Applicants respectfully submit that the pending claims are allowable. Their favorable reconsideration and allowance are respectfully requested.

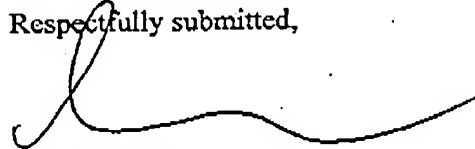
Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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No fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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